

DATE: August 8, 2001

TO: TC 3600 Staff

SUBJECT: Handling Process for Appealed Cases Returned from the Board for Having No Evidence of an Appeal Conference

In each appealed application, before the Examiner's Answer is written an Appeal Conference must be held. Policy requires an indication of that conference and the conferees on the last page of the Examiner's answer. In order to insure that each appealed application has had the required Appeal Conference before it is considered by the Board, the Chief Administrator of the BPAI will return those cases having no indication of a conference to the Technology Center. The TC will insure that a conference has been held and return it to the Board.

To clarify on the record that a conference has been held in such cases the indication, missing from the Examiner's Answer, is to be added to the Search Notes column of the file wrapper. To expedite the return and insure the proper information in the record, the following process will be followed within the TC.

1. The application is returned to the QAS from the BPAI.
2. The QAS records application information in a special Conference database.
3. The QAS forwards the case to the SPE, attaching the following three items:
  - a. a cover letter addressed to the SPE with an explanation of what to do.
  - b. a copy of the TC policy on Appeal Conferences
  - c. a forwarding memo addressed to the Chief Administrator of the Board, to be used by the SPE to return the case directly.
4. The SPE determines if a conference was held previously
  - a. if not previously held the SPE holds a conference
  - b. if necessary prosecution is reopened
  - c. an appeal conference work sheet is filled out and given to the program analyst.
  - d. the necessary indication of a conference is added to the search notes
  - e. the forwarding memo is filled out and used to return the file to the Chief Administrator. (This does not become a permanent part of the file.)
5. The QAS prepares regular reports for the Directors.

Attachments

DATE:

SPE Art Unit \_\_\_\_\_

The attached case has been returned from the Board of Patent Appeals and Interferences because it has no indication that an appeal conference was held. Patent Office Policy as established in a memorandum from Deputy Commissioner for Patent Examining Policy, Stephen G. Kunin dated October 25, 2000, requires an appeal conference in each case going to the Board and a notation on the Examiner's Answer that a conference has taken place. The notation to be used is described in a pre-existing TC 3600 policy memorandum dated October 21, 1999 (attached). The word "conferees" (or abbreviated, "conf.") followed by printed initials of those participating in the conference, should be placed beneath the Examiner's signature and above any typist initials, on the bottom left of the page.

Please insure that an appeal conference has taken place in this application. If held previously, a worksheet indicating the conference and its results should be on file with the TC 3600 program analyst. If no conference has occurred, please hold one now.

To now indicate to the Board that the conference has taken place **please add the necessary information in the "Search Notes" column on the file wrapper.** An appropriate notation would be:

Appeal Conference held (date)

Conferees: DMM, ABC

Then, **complete the forwarding memo**, which is attached, secure it to the file, and **return the case to the Board.**

If there are any questions, please contact the QAS.

Revised:8/8/01

DATE: \_\_\_\_\_

TO: Amalia Santiago, Chief Administrator  
Board of Patent Appeals and Interferences

FROM: \_\_\_\_\_

SPE, Art Unit \_\_\_\_\_

SUBJECT: SN \_\_\_\_\_, Missing Evidence of Appeal Conference

An appeal conference has been held in this application. Note the entry in the "Search Notes" column on the file wrapper. Please resume acting on the Appeal.

Revised: 8/8/01